

## **LINCOLN PLANNING BOARD**

**DECEMBER 18, 2013**

**APPROVED**

The regular meeting of the Planning Board was held on Wednesday, December 18, 2013, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, John Hunt, Gerald Olean, William Murphy, Jeffrey Delgrande, and Timothy Griffin. Also in attendance were Town Planner Al Ranaldi, Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following member was absent from this meeting: Michael Reilly. Member Reilly called the Chairman and was excused.

Chairman Bostic advised that six members were present; have quorum.

## **CONSENT AGENDA**

Chairman Bostic reminded members that the consent agenda has four recorded decisions and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an

**item.**

**Motion was made by member Olean to accept the consent agenda as presented was seconded by member Griffin. Motion was approved by all members present.**

## **MAJOR LAND DEVELOPMENT REVIEW**

**a. 90 Industrial Circle                      AP 2 Lot 82    Preliminary Plan  
A.F. Homes, LLC   Walker Street &   Discussion/Approval  
Industrial Circle**

**Mr. Ranaldi stated that this application has a long history. This application is under the 2001 subdivision regulations. The project is for the redevelopment of an existing mill building into 40 residential units. The applicant was granted a Use Variance in October 2006. The project would require 80 parking spaces with associated storm water runoff. A certificate of completeness was issued on December 11, 2013 and the Board has until April 10, 2014 to make a decision. The Lincoln Water Commission has drafted a letter of the requirements for this project and the applicant is aware of these requirements. The TRC has been working with the applicant to resolve the concerns on the project. The TRC report listed the concerns that still need to be addressed which is nothing earth shattering. The Town is asking to get easements for any drainage or sewer lines that run through this property once they are located. The**

**Town will work with the applicant to check condition of these lines during construction. The applicant has not provided an adequate landscaping plan which is required to check against zoning and subdivision regulation conformance. That plan should include parking lot lighting. Public water and sewer are available for this project. The TRC recommends that the applicant address the remaining concerns and return next month for a further review.**

**Joelle Sylvia, attorney for the applicant, made a brief presentation to the Board. Ms. Sylvia stated that part of the master plan approval there were two conditions. The first condition was to resolve the environmental land use restriction which has been done to conform to a residential use with no development in that area. The second condition was to obtain a Dimensional Variance for the existing nonconformities of the building. The Dimensional Variance was granted by the Zoning Board. There are a few issues to address which the applicant plans to complete by the next meeting. The underground drainage system has been approved by RIDEM.**

**Terry Gentes, engineer for the applicant, made a presentation to the Board. Ms. Gentes stated that the site is 1.9 acres with a 20,000 square foot two story building on it. The site is currently all asphalt. The project calls for reducing the impervious area by approximately 8,000 square feet by adding landscaping. The loading dock behind the building will be converted into a patio. A sidewalk will be added to Industrial Circle which will connect to the sidewalk on Walker**

**Street. Granite curbing will be installed along Industrial Circle with concrete curbing on the interior of the project. Member Delgrande asked if the project has any wetland issues. Ms. Gentes replied that this project does not fall into any wetland areas or perimeters. Chairman Bostic asked if an updated letter from RIDEM is coming in regards to the environmental land use restriction. Ms. Gentes stated that the parking configuration changed a little since 2007 so an updated letter will be forthcoming.**

**Armand Ferland, owner of AF Homes, made some comments to the Board. Mr. Ferland stated that the drainage line that the Town is concerned about is close to the building. Nobody is exactly sure what is hooked in or what the condition is. The sewer line is closer to Walker Street. Both of these lines will be found and documented during the construction process. The Lincoln Water Commission is installing a new 2" water line next week. The line was sized for more than 40 units. Attorney Silvia requested that the Public Hearing be scheduled for next month. Member Olean felt that the applicant should come before the Board before going to a public hearing.**

**Motion made by member Olean to accept the TRC recommendations and move this application to next month was seconded by member Hunt. Motion was approved by all members present.**

**MAJOR SUBDIVISION REVIEW**

**a. Shekarchi Residence AP 19 Lot 147 Master Plan**

**John & Julie Shekarchi 14 Lladnar Drive Discussion/Approval**

**Mr. Ranaldi stated that this application is a major subdivision at the master plan stage. This application is under the 2005 regulations. The application received a certificate of completeness on December 11, 2013 and the Board has until April 10, 2014 to make a decision. The applicant will explain the project to the Board.**

**John Shekarchi, applicant and attorney, made a brief presentation to the Board. Mr. Shekarchi stated that the intent is to seek a dimensional variance for frontage on a split of one lot into two. The new lot would have a deed restriction that it could not be further subdivided. The project would codify the private ownership of the force main for these lots and one across the street.**

**Edward Pimentel, Land Use expert, testified before the Board. Mr. Pimentel stated that his report goes to prove that this two lot subdivision, even with a dimensional variance, conforms better to this neighborhood than a four lot subdivision that would require a new road. Mr. Pimentel argued that a new road would create a hardship on the Town for maintenance and drainage. A two lot subdivision with a minor variance conforms more to the goals and objectives of the comprehensive plan. The report shows that there are a number of nonconforming by dimension lots in this area since this area was created prior to current day regulations. Therefore a**

**two lot subdivision would conform to this neighborhood and the comprehensive plan.**

**Paul Carlson, engineer for the applicant, made a brief report to the Board. Mr. Carlson stated that he was engaged to review the force main sewer line that Mr. Shekarchi installed approximately 15 years ago. The line currently has two pumps which force into this line down to the Town gravity line. An evaluation of this line was performed and it has adequate capacity for the additional lots which would be using it. The owner of the vacant lot across the street and this new lot would share in the maintenance of this line by deed.**

**Scott Rabidoux, wetlands biologist, made a brief presentation to the Board. Mr. Rabidoux stated that he did the wetlands delineation that is on the plans before this Board. There are two wetland complexes on this property which are not connected. The applicant could have done a three lot subdivision on this property with all buildable area and roadways out of the 50' perimeter wetland. The proposed one lot will have much less impact on the existing wetlands so there will be no issues with RIDEM permitting. Obviously, a single lot subdivision would be more environmentally friendly for the wetlands.**

**Attorney Shekarchi stated that he and his family would rather see one lot developed instead of multiple lots. Member Olean expressed a concern that the deed restriction language for the sewer line maintenance be spelled out clearly for future homeowners. Solicitor**

**DeSisto stated that Town staff is concerned with this issue and will make sure the language is spelled out correctly before it is recorded.**

**Motion made by member Olean for discussion was seconded by member Delgrande. Motion was approved by all members present. Member Olean asked the applicant if they will have sufficient information to answer some of the questions asked tonight at the public informational meeting. Mr. Shekarchi replied that he will be ready and will have draft deed restrictions for the Town to review.**

**Motion made by member Olean to move this application to a public informational meeting next month was seconded by member Hunt. Motion was approved by all members present.**

**b. Cider Mill Subdivision AP 23 Lots 118 & 206 Recommendation to Town Council**

**Robert J. Bouthiller Cider Mill Lane Bond Release/Road Acceptance**

**Mr. Ranaldi stated that this is a request to release the maintenance bond that is on a piece of property. This bond was approved in 2007. The development was constructed with six new residential lots. The project called for an extension of an existing roadway, Cider Mill Lane. A new cul-de-sac was installed along with underground utilities and a drainage system. The TRC had one minor concern on one property lot which had a lip on the end of the driveway. The**

**developer's attorney is here to speak about this.**

**John Shekarchi, attorney for the applicant, made some brief comments to the Board. Mr. Shekarchi stated that the contractor for this development owns this property and has promised to rectify this issue.**

**Mr. Ranaldi continued to state that several inspections have been performed and everything else has been completed. Two tests were performed to verify that the pavement was installed properly since a Town inspection was not performed at the time. The costs for these tests were deducted from the maintenance bond. Therefore the Town Engineer recommends releasing the balance of the maintenance bond. This would be done in the form of a positive recommendation to the Town Council for the bond release and acceptance of public improvements. Chairman Bostic asked how much the bond is for. Mr. Ranaldi replied the bond was for \$29,000 minus \$3,200 for the testing.**

**Town Solicitor DeSisto had some comments for the Board. Mr. DeSisto stated that earlier one of the residents, Michael Armes, was here with concerns on the drainage structure and whether it is impacting his property. He did not have any claims tonight but I suggested he file a claim with the Town Council if he can produce evidence of this impact. Member Olean expressed a concern about the recommendation to release the bond if the project still has issues.**

**Town Engineer Leslie Quish stated that the Town has reviewed this**

**issue and feels that the homeowner created this issue. Ms. Quish explained to the Board the issue about the drainage and how it happened. Ms. Quish further stated that this issue has nothing to do with the Town drainage system which was installed properly.**

**Motion made by member Delgrande to send a positive recommendation to the Town Council to release the balance of the maintenance bond and accept the public improvements for Cider Mill Lane Subdivision. The motion was seconded by member Olean. Motion was approved by all members present.**

## **SECRETARY'S REPORT**

**The Board was given two sets of minutes to review. The minutes are for July 24, 2013 and August 28, 2013. The Town Planner Al Ranaldi stated that he has reviewed these minutes.**

**Motion made by Chairman Bostic to dispense with the reading of the July 24, 2013 and August 28, 2013 minutes was seconded by member Olean. Motion was approved by all members present.**

**Motion made by member Olean to accept as presented the July 24, 2013 and August 28, 2013 minutes was seconded by member Griffin. Motion was approved by all members present.**

**Motion made by member Griffin to adjourn and was seconded at 8:14 pm by member Olean. Motion was approved by all members present.**

**Respectfully submitted,**

**Russell Hervieux**

**Attached December TRC Report:**

**On December 11, 2013 at 3:00 pm, the Technical Review Committee met to review the agenda items for the December 18, 2013 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Michael Gagnon, Leslie Quish, and Russell Hervieux. Below are the Committee's recommendations.**

**Major Land Development Review**

- a. 90 Industrial Circle AP 2 Lot 82 Preliminary Plan Extension**
  - A.F. Homes, LLC Walker Street & Industrial Circle Discussion / Approval**

**This major land development project is to be reviewed under the 2001 Subdivision Regulations and represents the re-development of an existing 41,480 square foot mill building into forty (40) residential housing units. A use variance to allow residential use was granted by the Zoning Board on October 3, 2006. There are eighty (80) off street parking spots proposed to be located in a parking lot in front of the building. There is an 11,646 square foot environmentally sensitive**

**area at the northwest corner of the property.**

**On December 11, 2013, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by April 10, 2014, or within such further time as may be consented to by the applicant. The preliminary plan submission included the following:**

- Preliminary Plan Submission for Assessor's Plat 2, Lot 82 Located at Walker Street and Industrial Circle, Lincoln, Rhode Island 02865, prepared by Cataldo Associates, Inc., dated June 24, 2013, revised up to December 9, 2013;**
- Soil Erosion and Sediment Control and Stormwater Management Report, prepared by Cataldo Associates, Inc., dated February 13, 2007, revised up to August 15, 2013;**
- A letter from RIDEM dated August 17, 2012 stating that the preliminary plans submitted and their proposed Soil Management Plan Narrative qualify for the existing commercial Environmental Land Use Restriction (ELUR) to be revised to allow restricted residential use of the property.**
- Soil Management Plan, prepared by Cataldo Associates, Inc., dated June 26, 2012 and stamped and signed on August 23, 2013.**
- An Underground Injection Control (UIC) approved permit from the**

**Rhode Island Department of Environmental Management dated July 25, 2007.**

### **Site Layout**

**The property currently contains a vacant 41,480 square foot mill building and associated parking area. The proposed project is to redevelop the mill building into forty (40) residential housing units. A use variance to allow residential use was granted by the Zoning Board on October 3, 2006. According to the submitted plans, there will be one access point to the parking area from Industrial Circle. Currently, there is no distinction between the roadway and the existing parking area. The applicant has proposed to install sidewalks and curbing along Industrial Circle. The submitted plans call out for concrete curbing which is not the Town's standard. The applicant must revise the plans to meet our standard for curbing.**

**The applicant is proposing to remove existing roofing and convert this existing elevated area located in the lower southwestern corner of the property into an outdoor patio area. The plan does not show any fencing or stairs. The plans must be revised to meet existing building code requirements.**

**There is an 11,646 square foot environmentally sensitive area at the northwest corner of the property. An Environmental Land Use Restriction (ELUR) has been placed on this area by the Department of Environmental Management. The re-development of this area is governed by RIDEM. The plan authorizes the removal of an existing foundation as well as selective tree clearing and states that new planting will be installed. The TRC would like to see a more detailed**

plan of the proposed landscaping for this area and asked the applicant to submit a landscape design plan in their next plan set submission.

### **Parking and Storm Water Runoff**

There are eighty (80) off street parking spots proposed to be located in a parking lot in front of the building. Stormwater runoff from the parking lot will be captured and directed into an underground detention infiltration system. The RIDEM approved an Underground Injection Control (UIC) permit on July 25, 2007. While the submitted plans successfully address the parking needs according to our zoning regulations, the TRC noticed that the overall grade of the parking lot is somewhat steep. Parking lot lighting was not addressed in the plan set. The TRC asked the applicant to provide this information in their next submission.

### **Zoning Requirements**

The site is currently zoned ML-0.5 and a use variance was granted for residential use. According to the Town's zoning regulations, "a parking area for more than 20 cars adjacent to or within a residential district shall have an opaque fence maintained between such parking area and the residential district." The regulations also allow compact evergreen screening not less than five feet in height to be substituted for the fence. This regulation applies along Walker Street and a portion of Smithfield Avenue. The submitted plan set does not contain a landscaping architecture plan. The TRC requested the

**applicant to supply this information in their next plan set submission.**

## **Utilities**

**The project is proposed to be serviced by public water and sewer. According to the Lincoln Water Commission (LWC), the domestic water service and the fire lines to the building are very old. Public water is available to the building. However, the applicant has been and must continue to work closely with LWC to design and install an upgraded water service that will meet the future needs of the building.**

**This water service upgrade will be part of the LWC's final plan approval process.**

**An existing and functioning sewer line runs through the upper portion of the property. The applicant must evaluate whether an easement is in place with the Town for the existing sewer line. If not, an easement needs to be given by the developer to the Town for this line. The Applicant's Engineer has stated that easements will be provided by the Owner upon final approval. However, the TRC would like all required easements to be submitted and reviewed by the Town before Preliminary Plan approval is granted.**

**An existing drainage line runs along the front of the building. The Technical Review Committee and the Director of Public Works would like the applicant to evaluate this line to see if it is still active and if so, what condition is the line in? Are there any roof drains connected to this drainage pipe? The TRC would also like the applicant to evaluate whether an easement is in place with the Town. If not, an easement needs to be given by the developer to the Town for this**

line.

The Applicant's Engineer has stated that the applicant is investigating this issue. However, the applicant's engineer suggested that a more in-depth investigation can be performed when the site work is being conducted. The engineer recommends that the drainage line be exposed during the site work phase of the project and a visual examination be performed at that time. The applicant and the Town can proceed with any remedies if needed at that time. The Town is amenable to this recommendation and would like a note placed on the plans indicating this agreement.

Based on the preliminary plan review conducted by the Technical Review Committee, the TRC feels that the applicant should address all of the concerns expressed at the TRC meeting and any other concerns expressed at the Planning Board meeting and return to the Planning Board next month for an additional review.

### **Major Subdivision Review**

a. Shekarchi Residence AP19 Lot147 Master Plan Discussion /  
- John and Julie Shekarchi 14 Lladnar Drive Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is being reviewed at the master plan review stage. On December 11, 2013, the project received a Certificate of Completeness. According to our Subdivision Regulations, the

**Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master plan review must be made by April 10, 2014, or within such further time as may be consented to by the applicant. The master plan submission included the following:**

- A plan entitled, Proposed Subdivision, Lincoln, RI, Plan of Land, John Shekarchi AP 19, Lot 147, dated August 13, 2013.**
- A letter from the Lincoln Water Commission dated December 2, 2013.**
- A letter from InSite Engineering Services, LLC dated December 6, 2013.**
- A report entitled, Proposed Two-Lot Subdivision, 14 Lladnar Drive, Lincoln, Rhode Island, Assessor's Plat no. 19 – Lot 147, Prepared for John Shekarchi, By Edward Pimentel, dated 11 December 2013.**

**The Technical Review Committee reviewed the submission. The application owns a 12 acre +/- parcel of land on which their residence is located. The zoning district is RS-20. The applicant presented a concept plan that shows a four lot subdivision with an associated roadway and cul-de-sac. The existing residence would become one smaller lot and three new lots would be created. This plan as presented would meet all of the subdivision and zoning regulations.**

**The applicant feels that a two lot subdivision would be more**

appropriate based on the composition of the existing established neighborhood. The existing residence would become one smaller lot and the new lot would be set back from the existing house and measure approximately 11 acres in size. Access to this lot would be from a 40 foot strip of land extending to the roadway. This 40 foot strip of land would serve as lot width. The required lot width for this zoning district is 120 feet. A dimensional variance of 80 feet would be required. The reconfigured existing residence lot would have a lot width of approximately 135 feet while the proposed lot would have only 40 feet.

An additional concern for any size subdivision is the sewer system. Currently, the existing residence and their neighbor share a private force main that is located in the public roadway. This force main connects to the Town's public sewer system at a manhole up the street. The proposed lot would be connected to the public sewer system in the same manner. Allowing a private force main into a public roadway is not the policy of the Town and does not comply with the sewer ordinance. However, this situation exists currently.

The over-riding question for the Planning Board is: do you feel that the proposed one lot residential subdivision is consistent with the surrounding neighbor and a good planning decision? Members of the TRC visited the site and the surrounding neighborhood in order to offer their recommendation. The TRC noticed that there is another existing residence on a large lot set between two houses. The area's plat map shows a variety of odd shaped lots. The applicant hired a professional planner to perform an in-depth study of the surrounding

neighborhood. This analysis found that approximately 44%, or 11 of the 25 lots, have deficient lot widths. The analysis also concludes that the surrounding neighborhood is made up of a variety of odd shaped lots.

The Technical Review Committee agreed that a four lot subdivision and a new roadway would not be consistent with the existing neighborhood. If this proposal moves forward, the TRC recommends that a deed restriction be placed on the proposed lot stating that no further subdivision of land would be allowed. The TRC also recommends that the applicant works with the Town to come up with a solution to the existing private sewer system in which someone is responsible for this private system. Several options were discussed with the applicant that would be satisfactory to the Town.

**b. Cider Mill Subdivision AP 23 Lots 118 and 206 Recommendation to Town - - Robert J. Bouthillier Cider Mill Lane Council Bond Release / Road**

### **Acceptance**

On November 16, 2007, this major subdivision received Final Plan approval for the subdivision of two residential lots into six new residential lots and two reconfigured residential lots. The subdivision consisted of the extension of a roadway, the development of a new cul-de-sac, storm water management system, and the installation of public utilities. The final course of pavement and any miscellaneous items were installed. The project was inspected and approved by the

**Engineering Department. See enclosed memorandum. During the Town's inspection process, two detailed tests were performed by outside consultants. The cost of these tests was subtracted from the applicant's bond. See enclosed purchase orders. The TRC recommends the approval of the release of the applicant's bond minus the costs of the tests and the Town's acceptance of the new extended portion of the roadway. If approved, this recommendation will be given to the Town Council for consideration at their next meeting.**

**Zoning Applications (\*) – There are no Zoning Applications for the month of January**

**Correspondence/Miscellaneous (\*)**

**a. Staff Reports**

**b. Lincoln Meadows II – Phase AP 45 Lot 181 Final Plan Recorded**

**c. Sheila Conley Trustee AP 32 Lots 13 & 14 Final Plan Recorded**

**d. Antonio & Patrocinia Cruz AP 17 Lots 101 & 91 Final Plan Recorded**

**e. 613 Albion Commons AP 28 Lot 57 Final Plan Recorded**